

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JPMORGAN CHASE BANK, N.A.,)
Plaintiff,)
vs.)
SFR INVESTMENTS POOL 1, LLC, et al.,)
Defendants.)
)
)
)
)
)
Case No. 2:17-cv-00004-GMN-CWH
ORDER

This matter is before the court on Plaintiff JP Morgan Chase Bank, N.A.'s Response to Notice re: Intention to Dismiss Pursuant to Rule 4(m) (ECF No. 38), filed on October 6, 2017. Plaintiff states that this action should not be dismissed under Rule 4(m) as to Defendant Moushir Manious because the court extended the time to serve Mr. Manious and ordered service by publication. Plaintiff further states that it timely served Mr. Manious in accordance with the court's order and Nevada law and filed proof of that service.

The court permitted Plaintiff to serve Mr. Manious by publication and extended the deadline for doing so to July 5, 2017. (Order (ECF No. 19).) Plaintiff subsequently filed an affidavit of publication indicating that it completed service by publication on Mr. Manious on May 8, 2017. (Notice of Proof of Publication (ECF No. 29).) Thus, it appears that the Rule 4(m) notice was entered in error.

IT IS THEREFORE ORDERED that the Clerk's Notice Regarding Intention to Dismiss Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure (ECF No. 37) is VACATED.

DATED: November 1, 2017

**C.W. Hoffman, Jr.
United States Magistrate Judge**